SOLON SECUNDUS:

OR, SOME

DEFECTS

IN THE

English Laws;

With their Proper

REMEDIES.

By a hearty Lover of his Country.

LONDON,

Printed for the Author: And are to be Sold by *John Whitlock*, near *Stationers-Hall*, 1695.

SOLON SECUNDUS:

OR, SOME

DEFECTS

IN THE

English Laws;

Whereof

REMEDIES.

By a hearty Lover of his Country.

LONDON,

Printed for the Author: And are to be Sold by
John Wallock, near Stationers-Hall, 1695.

The Epiſtle Dedicatory.

To all hearty Lovers of their Country, zealous Aſſertors and Purſuers of the known and certain Intereſts thereof; and, in a Word, without any more Diſtinction, To all True Engliſh *Men.*

Gentlemen,

THIS *to You I recommend this ſmall Treatiſe, of plain, eaſie, and profitable Politicks; 'tis to You alone I dedicate it, and it was for your Sake, and the Service of my dear and entirely-belov'd Country, I have engag'd my Pen, and appear in Publick at this time, when we have ſomething elſe to do, than to write or publiſh Books:* News *is now the only* Theme, *and by it's Noiſe drowns all other Talk; the* French, *the* Spaniards, *the* Savoyards, *the* Dutch, *the* Engliſh, France, Flanders, Catalonia, Italy, *and the* Rhine, *employ all our Tongues, and almoſt our very Thoughts too. The Sea and the Land-Services give full Employments to, and Entertainment for our Noddles; the Coffee-Houſes are cramm'd, the* Exchange *crouded, all the cry is* News, *the Streets echo nothing elſe; the Town is diverted, and ſo is the Country too! After this manner, the* Bath, Aſtrop, Tunbridge, *and* Epſom, *all filled with Inquirers of this kind.* Quelle Novelle? *is now the Salutation. The Ladies are in too, they attend the* News *with impatience, the Poſt is*

too slow, and the Wind too calm, and too contrary, to hinder the Packet-Boats return, and to detain them so long on that side. Nay, the Fair Sex *are become most exquisite* Geographers, *and can give an Account where* Cales *and* Catalonia *are, where* Cazal *and* Pignerol, *as well as most Men; they can hardly attend the mutation of their Modes; and, as a Witty one among them said, when ask'd why the Fashion continu'd so long, and with so little alteration? Truly the* French, *the usual Fashion-Mongers of* Europe, *were now otherways employed. The strong Stream, and chief Current being now wholly bent upon* News, *what hopes can a new Author have of being handled or read? Oh, there's time and leisure enough for that, in the intervals of News and Business; besides, now the Summer is past, and the Autumn and short Days with long Nights approach; the Town will suddenly fill, the Men of Business will haste hither, Soldiers, States-men, Scholars, Merchants, all come here, this is the Rendezvous, the Winter-Quarters; then the Word will be, What new Books have been lately printed? The Answer return'd, but few, Trading is dead, Paper and Printing dear, and Money very scarce, and bad into the Bargain, sad Times indeed! But, pray when were we without Complaints and Murmurings? And, tho' they may generally have Reason now, I hope they had the less then, in those glorious Days of Peace and Plenty; but there always was, and ever will be Repiners, none Rich or Great enough, not content with their State and Condition, always uneasie, never satisfied or long pleas'd. But here, lo here's a Piece of Politicks, not drawn from Cabinet or Copy of the great* Richelieu, *or greater* Mazerine, *no nor from the* Florentine *Secretary: Here are no Politicks laid to encrease, but to conserve Empire; not to make new Conquests, but to secure old Ones; not to invade and destroy*

our

our Neighbours Dominions, but to permit them peacefully to enjoy them; not to ſubvert, but to preſerve a Kingdom; not to depopulate, but to well-people an Iſland; happy in it ſelf, the happieſt in the World, ſurrounded with Salt-Water, environ'd with floating Bulwarks, invincible in the Courage of the Men, and renown'd for the Beauty of the Women; but, above all, fam'd for the Mildneſs and Lenity of its Government; no Abſolute and Arbitrary Treatments here; all bounded by Laws, Prerogative, and Privilege, have their Limits, their ne plus ultra: *Noble and ſweet Conſtitutions, no Wooden Shooes, no Dragoons, no Gallies, no* Stat pro Ratione voluntas, *no* ſic Volo, ſic Jubeo, *but the King Commands with Sweetneſs and Gentleneſs, and Rules by Law; and the Subjects Obey with Cheerfulneſs, Duty, and Affection. And, tho' we are not for changing all, yet we are for mending ſome of our Laws, which will apparently tend to the Publick Good; and for that very Reaſon will freely admit of ſome Alteration, and preſerve our People, much exhauſted by Wars, and other Means.*

Gentlemen,

As I told You at the beginning of my Dedication, *ſo I now confirm to You, 'tis to You alone I write, no* Jacks, *no Haters of their Native Country, no Lovers of* Lewis *the Fourteenth, with his* Mahumetan *League; but to the Lovers of* WILLIAM *the Third, who Wiſh, Talk and Fight for the Proſperity of* Old England; *You merit my Services, my Pains are Your due; indeed You deſerve my beſt Endeavours, You ſhall have more, You bear a true Love to your own Country, You are an Honour to it; and the poor, ſneaking, whining* Jacks *a Shame, Scandal, and Diſcredit to it: They are Vipers, Monſters, unnatural Births; they enfeeble, but You ſtrengthen the Hands of the Government,*

to

to carry on the sharpest, bloodiest, and most expensive War that ever Britain *was engag'd in; or, after this, I hope, ever will be: You bravely stand by your King and Country; some with your Swords in your Hands; others with your Purses, full, drawn, and wide open, to defend our Native Land, our Darling Religion, and our Civil Rights: Alas! our Liberty is above Price, beyond Value. And, as for those silly and contemptible Wretches, that whine and bawl, and seem to long for* French *Government, or King* James's, *which would be much at one, for he copied exactly after the* Versalian *Original; he set up too soon for Omnipotent, he had not serv'd seven Years, his Apprentiship, to his Master King* Lewis; *besides, he run too fast, was soon out of Breath, he was too hasty, too fleet to hold long, and his Horse was resty. Alas! the People of* England *are not Beasts of Burthen, Asses to be rid upon; let the* Romish *Priests find out their Men of Patience and Flegm in other Countries, with easie flat Backs, and tame servile Tempers; they were mistaken in their Men, the* English *are too mettlesome to be Slaves, they have not been used to Servitude, and cannot endure it, they'll kick and wince, and fling their Rider, as they did their late King: Nothing but* Quo Warranto's *and* Mandamus's; *the King will have it, I'll make ye know I am your King; as he told the Fellows of a certain College; tho', as it fell out, they did not know him very long: 'Tis dangerous to violate and break in upon Establishments, it has ever been fatal to the Aggressors:* Charles II. *of* England, *that begun that Work, had like to have been unhors'd, the Times were violent, and had like to have broke out into Civil (as they call them, tho' I think they are Rude) Commotions:* Lucan *the* Pharsalian *Poet calls them* Plusquam Civilia Bella; *and, I think, he is in the Right.*

Magdalen College.

My

The Epiſtle Dedicatory.

My Tenderneſs to my Country-Men has brought forth this little Piece; 'tis the Genuine Iſſue of a plain, honeſt, and innocent Noddle: I have often with Compaſſion and Humanity beheld Numbers of likely, able, and comely Men and Women ride up Holborn-Hill *alive in Carts, who never came that way gain alive; I have pitied them from my very Heart, and wiſh'd it in my Power to mitigate their Doom, to change their rigid Fate; to ſpare their Lives, and puniſh their Carkaſſes by Confinement and Labour; which would moſt effectually reduce them: I am not for that violent Quack-Phyſick, which Cures all Diſeaſes:* Ketch *is a cruel hard-hearted Doctor, kills all his Patients, and, like other Phyſicians, by Law forſooth. If it ſhould be alledged, That the Conſervators of our Liberty are too tender of it, to take it away from us by ſuch Methods as theſe; it may be anſwer'd, That what they do, we do, and conſent to it by them who repreſent us, and who ſit there by our Breath; I mean in St.* Stephen's Chapel, *for 'twas our Votes ſent them thither, we are the Electors; and tho' they are not oblig'd, as the States-Deputies in* Holland, *to go home, and conſult with their Principals, being veſted with an unlimited Power, yet ſo much in Reaſon and Juſtice we may expect from them, to receive an humble Propoſal from their Fellow-Subjects, and to conſider upon the vaſt Advantages that will accrue to the Kingdom, by putting this very Thing into Practice; ever reflecting how eaſie 'tis to deſtroy, but how impoſſible 'tis to retrieve Life. The* Romans, *whom all the World will allow to have been a gallant, victorious, and wiſe People, were always very tender of their Citizens and Subjects, ever preſerving their Lives with due regard; well knowing, that in them conſiſted the Glory and Safety of their mighty Commonwealth. We need not be aſham'd to take Pattern by them, 'tis from their*

their Prudent Practices I have collected some of my Notions, which I have enforc'd with the best Arguments I am Master of; and, which I am sure will go down with all sensible Men, and for the rest I don't value at the Price of a Prune; I write not to, or for them, away with their prophane Hands, and empty Heads; I'll not take Pains to make them Wiser; 'tis cleansing the Augean *Stable; I'll send for old* Hercules *to undertake them, I am not Flegmatick enough for that Service; besides, 'tis too difficult a Province for me to undertake, and therefore I shall desist.*

And now to wind up my Bottoms, I shall detain You no longer from looking into the Book it self, where, I question not but You will meet with an ample and entire Satisfaction, and joyn with me, in your good Wishes, and use your best Endeavours to have these Matters brought about. We have a King that will Concur in any thing for the Good of the Nation; and so great a Lover He is of the Honest, Loyal English, *that He desires not the Death of one of them, no not of those ingrateful Plotters and Conspirators against His Person, and Government; to whom He has shew'd a Clemency never sufficiently to be prais'd, being beyond all Example.*

SOLON

SOLON SECUNDUS, &c.

THAT the Greatneſs of a Prince conſiſts in the number of Subjects, and not in the extent of Territory, is a State-Maxim agreed to by all mankind; and that to purſue the certain, conſtant, and true Intereſt of the State, is another as univerſally believed, tho not at all times reduced into practice; which is often occaſioned by the weakneſs of the Prince or his Miniſters; I mean their incapacity, or want of qualifications to Govern.

That the Court-Party and Country-Party are ſilly and unhappy Diſtinctions, tending to the begetting Jealouſies and mutual Diſtruſt, are wholly inconſiſtent with the Good of Commonwealth; whoſe Intereſt is the ſame with the Kings, and ſo is his with hers, inſeparably, indiviſible, and ought to be immutable: And that when Princes take any other Meaſures, or purſue any other Intereſts than thoſe of their own Kingdoms, which are plain and apparent; they are often embroil'd, ſometimes baniſh'd, or put to death. Such fatal Ends uſually attend imprudent States-men, and their Maſters, who pretend to ſet up a different Intereſt from that of their People; which no Body can deny. That the *Church*, *Presbyterian*, *Independent*, *Popiſh*, *Jacobite*, *Iriſh*, *French*, *Spaniſh*, *Scotch*, *Dutch*, or any other Faction, are of pernicious Conſequence to the State: That there be no *Whig* and *Tory*, no *Fool* and *Knave*, no *Parties*, nor *Factions* at all in the Court, Country, or City, nor in Councils Ordinary or Extraordinary, Privy or Parliamentary; but a

happy Harmony, calm Concord, and universal Tendency, in all Persons, to the true Interest of the Community, it being the whole, and every Individual's apparent Honour and Advantage, to contribute all they and he can to the Advancement of the Peace, Wealth, and Glory of the Republick; without the least touch or tincture of any mean Care, or sordid Application to that of the Re-private. No Self-Interest should have admittance here, no particular Benefit aim'd at, but so far as they are interwoven with that of the Body Politick. Great Complaint has always been made of want of Publick-spirited Men, of Honour, Honesty, and Integrity: It has been urg'd, that most Men are much inclined and strongly addicted to the heaping up of Wealth, and making their own Families (as they call it) without due Regard to, or Respect for the Publick Good; which must be confess'd: However, we can't fail of having, even among us, some Men of noble and enlarged Minds, who will one Day step into Posts of Power, Profit and Honour, and shew the World the quite contrary Practices, and raise the Glory and Interest of their Native Country, beyond what it ever was, especially so great a Step having been made, and so good a Foundation laid in our happy Revolution and Settlement; and seeing that we have so good and gracious a King, that, if we are not wanting to our selves, will contribute all in his Power to make this Kingdom, and indeed all his Dominions, the most thriving and most flourishing Part of the *World*, in retrieving our Military Honour, Naval Strength and Reputation; preserving, encreasing, and re-establishing our Foreign Commerce, and chastising the Insolence of all those that dare invade our Trade in any Part of the Globe; nay, the very *Dutch* themselves, (tho' his Country-men) if they should be so hardy to attempt it, as they have with good Success, and to their great Advantage formerly done,

done, when we had leſs vigilant and leſs active Princes on the Throne. Theſe are the beſt and trueſt Politicks, far exceeding and excelling thoſe ſo fam'd of *France*; the violent proſecution of which has brought that once rich, glorious and flouriſhing Kingdom, to its preſent mean and deplorable State; I may ſay, almoſt ruinous Condition: And ſuch fatal Effects muſt and will always attend ſuch fooliſh and impolitick Practices; bring Shame and Confuſion to the Prince, Damage and Deſtruction to the Commonwealth.

The preſervation, encreaſe and welfare of his Majeſty's (King *William*) Subjects, and conſequently of his Greatneſs, Glory, and Renown; and of his Kingdoms true Intereſt, Riches, Honour and Safety, is the ſole Aim and Intent of theſe following Sheets, which will evidently appear to all thoſe that read them with Candor and Ingenuity, being without any ſiniſter, evil, or private Deſign of the Author's; but rather of a great deal of Good, ſolid Good! Chearfully and heartily recommended to the Publick, for its Sake and Advantage alone.

That the ſlow, deliberate and intelligible Reading of the eſtabliſh'd Laws of this Kingdom, Capital, Corporal and Pecuniary, (of which two laſt it is wiſh'd there were more, and thoſe certain, ſtated and fix'd, not left to the Arbitrary Breath of the Superior Judicatories, who are too often bias'd, and influenc'd by the Court-Royal) on the Sunday-Afternoons, in lieu of double Sermons (of which many are very dull and inſipid) this, without Reflection on Churches or Conventicles, would do more Good than they; beſides, one Sermon is enough in one Day, and more than the People will remember eight and forty Hours: I ſay, this Reading of the Laws in all the Collegiate and Parochial-Churches, would bring no diſhonour to Religion, and they are very ſilly that fanſie it, but

would mightily tend to the Private and Publick Good, as ſhall be clearly evinced by and by. I don't ſee that the People have been, or are much the better for all the Preaching and Printing, that has been in Uſe for theſe many Years paſt, tho' 'tis their Fault and not the Clergies, who are Learned, and Laborious, and who are an Honour to our Nation, and vie with (and in my Opinion excel) all the Foreigners in the World in their Qualifications, of pure Doctrine and of holy Life, of indefatigable Application to the Miniſtry, in their Care of Souls, in their Charity, Good Works, and Pious Examples; tho' whether the People will be ever the better for all this, I ſhall not pronounce; but this I may and will affirm, and I hope without the leaſt Offence, That there is at preſent very little likelyhood of it. And, if they cannot do any Good with them in their Religion, why ſhould not we try what can be done in mending their Morals? Which, if my Propoſal be receiv'd, may be accompliſh'd; and if by this they ſhould be made good Men, they will the ſooner (you muſt all own) become the better Chriſtians; ſo that 'tis the Clergies Intereſt (which is a thing they love and purſue as much or more (with Reſpect be it ſpoke to their Order and Function) than other Folks) to engage their Power and Authority to have this eſtabliſh'd by Law.

This cannot be denied by any, the moſt ſilly, ſtubborn, or wilful, but that the greateſt part of the Nation, Noble, Gentle and Simple, Clergy and Laity, are in a great meaſure very ignorant of the Laws of this Land, which is a great deal of pity they ſhould; for although it ſeems to be a peculiar and particular Province, a Profeſſion and Employment of it ſelf, yet all Laws being founded upon Reaſon, (or at leaſt ſuch as was then, when they were enacted, thought ſo) and ſolely intended for the Good and Behoof of the People, why ſhould they be unacquainted with

with their Virtue and Power? And ſo loſe their Benefit and Advantage of them, by ignorantly falling within the Laſh, and Teeth of them, to the hazard, and ſometimes loſs of their Lives and Eſtates, and to the ruine of their whole Families, who are undone, and reduced to Extremities through the Miſcarriages of their infortunate Principals, tho' they did not in the leaſt contribute to it themſelves; which is really a Hardſhip and Severity. Now by the frequent reading and inculcating theſe Conſtitutions into their Heads, they would look before they leap, think before they act, and be very cautious in, and tender of violating the Eſtabliſhments, for which they know they muſt pay ſo very dear. And ſeeing that great Numbers of People (too many I am ſure!) being altogether ignorant of the Laws of their Native Country, tho' made by their Voice and Repreſentatives, yet not one in five thouſand ever reads a Capital Statute; I ſay, by this means they are often led or fall into Crimes that coſt them their Lives: Now, 'tis for the Publick Intereſt to prevent their death, and ſave as many as we can from that ugly way of dangling by the Neck; there need not be one in ten hang'd of them that are: Is it not a ſhame and ſcandal to us as much as it is to them? Is it not a thouſand Pities that ſo many handſom, jolly, luſty, brisk, young Fellows, in their very Bloom, ſhould be tied up to that curſed Tree? No leſs pitied by the tender-hearted Ladies, in whoſe Service they had rather they ſhould die, than lamented by moſt Men of Senſe, as an irreparable Injury done to the Commonwealth: Theſe poor infortunate People, both Men and Women, might other ways expiate their Crimes, ſave their Lives, quit their former foul Practices, abandon their bad Company, and fall to Buſineſs, in ſome civil Employment at home or abroad, or in Military Affairs attend the King in his Wars, either by Sea or by Land, in the Defence of his

his Sacred Perſon, and their dear Country, and bravely ſell their Lives at a Rate uncommon, and as their Country-Men (to their immortal Honour be it ſpoke!) uſually do in their renown'd Battels and Sieges; whoſe Hearts and true-bred Courage are more brave than their Enemies, more firm and more ſolid, than the Walls of Stone or Earth they batter, or the Ships of Oak they bore. Oh whither will my Zeal for my own Country and Country-men, *Old England*, and thoſe tight Lads the *Engliſh-men*, tranſport me! The Subject it ſelf inſpires me, and I can hardly give o'er; 'tis no Digreſſion, yet, if I carry it too far, it will be.

Publick Executions will never heal theſe Breaches of Laws, or prevent the ill Conſequences of them; the loſs of Fortune in the Proſecutor, and of Life in the Criminal: And of this we may be convinc'd, by the fruitleſs, tho' frequent, nay, almoſt Monthly Repetitions, for the *Seſſions* are often held in this City: This publick Hanging do's not deterr the People; 'tis made a kind of Jeſt, a Game, a Rendezvous of Mob, Shouting and Hallowing, a ſort of Holy-Day, or Play-Day, at leaſt an Idle-Day, (as the Faſt-Days us'd to be) nay, and while the very Notion univerſally receiv'd among them continues in force, and operation, *viz.* That Hanging is nothing at all! only a wry Face, and a piſt pair of Breeches; nay, I my ſelf have lately attended on Ladies, curious to ſee the Execution, eſpecially when ſome extraordinary Buſineſs happen'd, as a Man to die for killing his Wife, which the whole Sex look upon themſelves concern'd in, and deep, their All being wrapt up in their Life; we got as near the Gallows as we could, and heard and ſaw all that paſt; and when the Cart drew off, the Women in our Coach ask'd, And is this all? As much as to ſay, Hanging is nothing at all. Nay, I remember a Drawer, ſome Years ſince, at the *Roſe-Tavern* in *Weſt-Smithfield*, was hang'd

hang'd for murdering his Wife, tho' he ſaw a Fellow hang'd for the ſame Crime but two Days before he did it. So little Impreſſion it made upon him! So little Terror it had in it ſelf; I rather believe it ſeem'd a moſt eaſie Death to him, (as indeed it muſt be, for the Suffocation ſtifles and ſtupifies the Spirits, and cuts off the Communication between the Vital and Animal, and is much gentler, and leſs painful than Bed-death) elſe he would not have carried his Wife abroad the Sunday following the Friday on which the t'other was tied up, and, almoſt in view of *Tyburn*, knock'd his Wife on the Head with his Maſter's Walking-Cane: A ſcurvy way of treating Wives, when they walk abroad with their Husbands! 'Tis in every Body's Mouth, that Laws were made *in terrorem*; Pray how was he terrified? He was rather emboldened to the perpetration of that cruel, horrid and bloody Act, by the ſmall Pain he thought was felt. But then you'll ſay, What will do? If laying down their Lives to atone their Crimes won't! Life being, in the general eſteem, the moſt valuable thing in the World, yet by many it ſeems to be thought ſlight and worthleſs: *A merry Life and a ſhort*, is a Tune of an old Date, yet every Day ſung. So that ſharper Deaths, and more Solemn, or loſs of Liberty, by a long if not perpetual Impriſonment, might much more reform the *Engliſh*; for Life is not valued by them, ſo much as by other Nations; they are more laviſh of theirs than any other People; tho' Liberty (which they preferr to Life) is in high eſteem with them; they are more Cholerick than ſome, and leſs Flegmatick than others of our Neighbours, *viz. French* or *Dutch*; they (I mean the *Engliſh*) prize their Liberty at a high Rate; witneſs the Blood and Treaſure they have loſt and ſpent to preſerve it. An *Engliſh* Man in Priſon and Chains, reſembles that noble Man-like Majeſtick Creature a He-Lion, Sovereign of Field and Foreſt, when newly

ly

ly taken and made close Prisoner. And certainly a deprivation of Liberty would be much more irksome and intolerable than Death it self, tho' attended with the usual Formalities.

You see plainly all our Hanging has not been able to clear our Roads from Highway-Men, or our Paths from Foot-Pads, those bloody and barbarous Villains, universally dreaded and detested. What frequent, what continual, nay, almost daily, Robberies of both those kinds have we? And this without any Redress, notwithstanding the great Care and Application of our August Senate in re-inforcing our Laws, and giving great Rewards to the Brave and the Hardy that shall seize upon these nimble Vermin, these Banditti, these Bog-Trotters, these *Wills with a Wisp*, that ride over Hedges and Ditches, in uncommon, unbeaten and untrodden Ways.

Transportation won't do the business, though that's a great deal better than Hanging, for the Commonwealth suffers by their death; that is, 'tis a loss to the Publick: So that Pecuniary and Corporal Punishments would soon cure these Evils, and remedy these Disorders: Working will do more than Whipping; and that at the Cart's-tail, with a Dog-whip, through the Streets, is barbarous and Beastlike, and no where practis'd but in *England*: At *Amsterdam* they whip them upon a Scaffold, and with Birchen-Rods; it is sharp but short, and then away to the *Rasp-House*. I warrant ye you'll precisely cry out, I arraign the Laws of the Land, than which there are (say you, and a great many more that know no better) no wholesomer Laws in the World, being adapted to the Humour and Genius of the Nation. I find no Fault with our Establishments, they are Good in the main; however, they would be better, if mended a little; I hope they are not, like the *Medean* and *Persian*, eternal, immutable; there may

may be Times and Seaſons, Occaſions and Mutations, which may make it abſolutely neceſſary to aboliſh ſome, and enact others. We in *England* have been, and are in the Wrong in ſome things, our Civil Conduct has ſome Flaws; which is viſible by the Statutes of every Seſſion; for none but the Laws of God and Nature are conſtant, certain, and unchangeable. While we are in this World we ſhall ſee Reaſon for the redreſſing ſome Things which will be always amiſs, and out of order: There muſt be ſome Reformation, (I don't mean in Religion, for that's well enough, if we can be quiet,) and the Dangers and Difficulties that attend ſuch a Change, may be thought by ſome ſoft and weak Heads, to be vaſtly Great and Inſuperable, tho' we ſhall evince the contrary, and make it clear even to Demonſtration, that our Conſtitutions may be improv'd and alter'd to the vaſt and apparent Benefit of the whole Nation: Each Member of the Community will be for it, as having a ſhare in the Safety and Welfare of it, and will be careful to prevent the Evil, and zealous to procure and promote the Good of the Body Politick, (I am ſure if he is a Politick Body he will.) And what if we have been, and are ſtill in the wrong? Is it reaſonable we ſhould be always ſo? I remember at a Debate in the *Houſe of Lords*, the late Duke of *Buckingham*, was of the late Earl of *Shaftsbury*'s Sentiments that Day, but he chang'd his Mind the next, and voted againſt the Earl; upon which he being a little nettled, charg'd the Duke with Levity; who anſwer'd him very ſmartly, and ſaid, That if he was a Fool yeſterday, he would not be ſo all the Days of his Life.

I am indeed utterly and abſolutely againſt Tranſportation of Fellons, (tho' it was thought Mercy by our Law) for two principal Reaſons, and I hope they won't be contemn'd by you. *Firſt*, It anſwers not the Aim and Intent of the Law; that is, it has not the good Effect deſign'd by

it; for they often return ſooner than they ſhould, and fall to their old Trade of Rogueing; and if they do ſtay abroad, they are ſeldomer made better, but often worſe, their very Travelling thither corrupts them, for moſt of the Seamen with which they converſe in their Voiage, are as very Thieves as themſelves; and, when they arrive at the Plantations, they are ſharpen'd in all manner of Villainies; and learn to cheat, and over-reach one another; which they think no Crime, and make no Conſcience of, as I don't know how they ſhould, for they have not any. The very *Quakers* themſelves, who go voluntarily thither, and who, while here, are pretty exact and fair in their Dealing, when they come to *America*, prove the verrieſt Knaves, and the ſharpeſt Rogues in the World. I have ſeriouſly ask'd a *Friend* (as thoſe ſly Hypocritical Raſcals call one another in their Cant) what is the reaſon of that Change? Who ſlearing and whining anſwer'd me, Truly the Air alter'd 'em. When in reallity their Principles are naught, and being frequently pinch'd by Neceſſity, and meeting with Loſſes and Diſappointments in their Voiaging thither, they are made (*Jew* like) the more Mercurial; and indeed are become a ſort of cunning Traders and may vie with the ſuttle *Genoeſe*, who once had the Fame of being the Cloſeſt and moſt Politick Negotiators in this Part (at leaſt) of the World. The Second Argument is, We are already too much exhauſted by our Colonies, which may be one Day as fatal to us as it has been to the *Spaniards*, and would have been ere now, but that our Women are more chaſte and prolifick than theirs; but then what hinders us again, Marriage is univerſally decried, run down and exploded; what was once counted an honourable State, begins now to be thought otherwiſe; and they are reckon'd Fools and Coxcombs, and fit for nothing but to be made Cuckolds, that do venture into the Nooze; and common

Whoring

Whoring is become much more Modiſh; which is very pernicious to the State, and hinders the great encreaſe of People; for thoſe wandring Strumpets are as dark and barren as the Grave; beſides, the vaſt Number of gay and gallant Youth deſtroy'd in their Attacks, more than the Town and Caſtle of *Namur* coſt us, or *Fort-Knock* added to the Liſt. I ſhall mention nothing of the Court (nor Church, for I am ſure it was not theirs, the Duke was in the bottom of that bleſſed Buſineſs) Perſecution, towards the latter end of *Charles* the Second's Reign, which helpd to drain us; it fill'd the *American* Colonies, but emptied the *Engliſh* Kingdom; which, tho' an Iſland, is more worth to us than that whole Continent, as vaſt as it is. If theſe Reaſons againſt Tranſportation won't ſatisfie, I could ſoon muſter an Army of them. I muſt confeſs the preſent Practice is much more commendable, the ſending them to the Army in *Flanders*, where they do their Country ſome Service, at leaſt receive the Shot which might kill better Men. If this War holds, and for ought I ſee 'tis pretty likely, it will oblige us to be more careful and tender of our Peoples Lives, than for many Years paſt we have been.

Another Malady in the State wants Redreſs, and that is, the Mob-Rampant, who commit ſtrange Inſolencies and Outrages; gutting of Houſes (as they call it,) I ſuppoſe they'll come to gutting of People one of theſe Days. This, if not ſuppreſt in time, may be dangerous to the Government, and bring about ſome new Revolution. *Maſſinello*, tho fam'd *Neopolitan* Fiſherman began after that manner; beſides, they will be emboldend by their Impunity to attempt greater Things, when their Stream is turn'd another way, which is not very difficult to be done, a little Coin, ſprinkled among them, will ſoon put them into a ferment, and where and when it will ſtop no Body knows;

if these Extravagances are past over, or permitted, they'll suspect their Betters want Power, or are afraid to correct and humble them; which may engage them in new Commotions, and endanger fresh Convulsions, which have sometimes fatal and pernicious Tendencies.

There have been more poor Rogues and Whores hang'd for stealing Silver Tankards out of Victualling-Houses of this City, than all the Plate in them is worth; that is, their Lives are of more value. Now, for Remedy of this Evil, I propose a Scheme thus. Suppose a Tankard, which is about five Pound Sterling value, be whipt up, and the Person taken, instead of committing him to *New-Gate*, I would have him sent to a Work-House, and there to remain till he should, by his Labour, pay the Prosecutor the full Summ of five Pounds and Charges, besides his own Lodging and Diet in the Prison, and, when all that was paid, he should have his Liberty; but then you'll say, he'll to his old Profession; let him if he please, he shall be punish'd, when caught, after the same manner, which will make his Heart ake, and tire him quite out, and break him of those Tricks soon: Liberty is not so contemptible as Life: And then, if he would not work, he need not be beaten to be brought to it, for 'tis but making a Vault with a Pump in it, and so let Water run into it, and put the Gentleman there, and let him stand till it comes up to his Mouth, when he must either pump or be drown'd; and if he can do that Work he may do other; besides, there is a more profitable Work than beating Hemp, to Rasp Dying-Woods, at which they can earn more: This way no Body would be a loser, the Victualler would have his Plate again, the Thief his Liberty, and the King his Subject; which he must for ever lose if he be hang'd, and so must the Man his Tankard; which is a Severity in our Law, and is also a feeble or weak side in it, and occasions

the

the ſtifling of many Proſecutions, which would otherwiſe go on; but People are often help'd to their Goods again by the Thief-takers, as they call the Marſhal's Men; but in reality they are the ſharers, for they come in for a ſnack with them; which, to permit, is a ſhame and ſcandal to a Government; beſides, this I am ready to mention, ſhews a Defect in our Conſtitution; I am robb'd, and tho' I have irrecoverably loſt my Goods, yet I am oblig'd to Proſecute, which gives me great Trouble, and puts me to Expence, for which I am much the worſe, but never a whit the better.

High-way Men, Foot-Pads, Houſe-Breakers, Shop-Lifters, Cut-Purſes, Pick-Pockets, Cheats, Sharpers, Hat, Sword, Handkerchief, Horſe, Cow, Sheep or Hog-Stealers, with the numerous Gang of Filchers and leſſer Vermin, of all ſorts and ſizes, would ſooner be deterr'd from the Practice of any of theſe or other Rogueries and Villainies, by Impriſonment and Bodily Labour, either for a certain term of time, in proportion to the greatneſs or ſmalneſs of their Crime, the Profits of which to the Commonwealth, or to work out the Theft as before, and to be honeſtly paid to the Sufferer: This laſt, rather than t'other, for then no Proſecutions could or would be ſuppreſt, but all, even the moſt minute Robberies and Cheats would come before the Magiſtrate; I ſay, this would more effectually extirpate and root out all the Crimes, Miſdemeaners and Miſcarriages in a State, than Whipping, Burning, Tranſporting, or Hanging, which is the laſt ſtroke, and which is, by much, the worſt of them all.

And now, for Example, I will firſt inſtance in a High-way Robber: Suppoſe one taken, try'd and convicted of taking twenty Pounds from one Man, and thirty Pounds from another; he ſhould be ſentenced to Impriſonment, and painful bodily Labour, till Money ſhould ariſe by his Sweat:

Sweat to pay the whole Fifty Pounds, which might be eaſily done in three or four Years, or leſs time, and he maintain'd, lodg'd, dieted, and cloathed; for he may earn eighteen Pence *per Diem*: This long Confinement, and hard Service, would baulk his Stomach, and ſpoil his Appetite to the old way of Padding, the very Gang and Knot would be broke and diſpers'd: This to an *Engliſh* Man, ſo fond of Liberty, would be more formidable than that ignominious Death, to which they are now only obnoxious; it would put them upon ſome Conſideration how to get a Livelyhood by ſome fair and honeſt Method; they would to the Army Voluntiers, or to the Navy Reformades, or get ſome Civil Employment, or Secular Buſineſs, to prevent their falling into theſe terrible Puniſhments: Thus would our Roads be ſoon clear'd of all theſe troubleſome Vermin, and the whole Nation left to purſue their Buſineſs, or their Pleaſure, with Satisfaction and Safety of Mind, Perſon, and Pocket, without the leaſt dread of dropping into theſe unlawful Ambuſcades; beſides, what Satisfaction is it to me to proſecute any of theſe ſort of Law-Breakers, when I have loſt my Money, which I am ſure never to recover again, but ſpend more, and have a great deal of trouble into the Bargain, (of which very few People are fond;) nay, ſometimes the remaining Gang threaten to revenge the death of their Aſſociate on the Perſon of the Proſecutor; which, if it be not always perform'd, yet it leaves an impreſſion of Fear upon a Man, which makes him uneaſie in his Buſineſs. 'Tis evident, beyond Contradiction, that all the Methods hitherto propos'd and reduced into Laws, have not been able to ſuppreſs this ſort of Cattle, ſo injurious to the Community; the utter extinction of whom ſhould be our principal Care and Endeavour; there being more likelyhood of their encreaſe than decay, eſpecially when they have a proſpect of being

ing re-inforc'd by a Disbanding of our preſent numerous Army, which muſt be, upon a Peace, which will come at one time or another, and will be general, and ſo conſequently no more Work for the Sword, at leaſt, for ſome Years to come; which will put the Private Soldiers to engage in Foot-Padding, and the Officers to the Roads, it being a rarity to hear of a Son of *Mars* with full Pockets; I aſſure you they are ſeldom Uſurers, or put their Money out to Intereſt, they are for a merry Life and a ſhort one; live without thought of the Morrow, according to our Saviour's Command, they let the Morrow take Care for it ſelf; tho' I believe not from a Principle of Chriſtianity, but of Careleſsneſs rather: This Fate uſually attends them, as it does Whores and Witches, if they chance to eſcape Lead and Iron, and live to be old, which many of 'em do, they are ſure of Poverty and Pain.

Our wiſe Senate is at all Times, and upon all Occaſions, very Tender of the Lives of their Fellow-Subjects, and are willing to receive and debate upon all Propoſals that bend that way; and who knows but this may fall into ſome of their Hands? Partake of Life and Vigour by that means, and ſuddenly ſprout out into a happy Law; they are Men ſtudious of the Publick Good; indeed they are the only Publick and Noble-ſpirited People among us, they are always for the Advancement of the Wealth, Greatneſs, Honour and Intereſt of *Old England*; and we had been long ſince ſunk into an Abyſs of Ruine, and irrecoverably loſt, if our Patriots had not appear'd Stout and Couragious, and in time reſcu'd us from the Impendent Dangers. The poor Women, who us'd to be hang'd up for a ſlight Matter, and were excluded the Benefit of Clergy, have it now without reading; which is a commendable Conſideration: And tho' this Method has not had any extraordinary Effect; that is, it has not prevented Theſts, Robberies,

ries, Cheats, and ſuch like Actions, yet it has ſav'd the Lives of abundance of poor infortunate Creatures, and given them fair warning to have a care of a Halter; yet if this Sizing in the Hand were converted to a Temporary Confinement, and hard Corporal Labour, it would, without doubt, have a better Effect. The *Dutch* are ſo very Cautious in taking away the Life of the meaneſt of their Subjects, that they muſt have very clear and home Proof, own'd and confirm'd by the Party's Confeſſion, elſe they won't put them to death; I ſaw a little light-timber'd Wench, who was in their *Raſp-Houſe*, committed upon Suſpicion of Murdering her Miſtreſs; and although there were all the concurring Circumſtances in the World, yet ſhe denying of it abſolutely, after ſhe had been three times tortur'd, in which moſt of her Bones were diſlocated, ſhe was damn'd to thirty Years Impriſonment; and, I aſſure you, no idle People live in thoſe Places. And, tho' I am for no *Dutch-Government*, but a Monarchy rather than a Commonwealth; and tho', I think, we have little need to Copy after them, yet 'tis not diſhonourable to Correct our Conſtitutions, or to learn from a Neighbour, Wiſdom being to be obtain'd where-ever we can find it. Bodily Puniſhment, I mean Stripes, have ſeldom the good Effect intended, becauſe 'tis forgot almoſt as ſoon as over, for to be ſure, when all the Pain is paſt, the Puniſhment is no longer remember'd; but loſs of Liberty will make a deep Impreſſion, will make a hole in their Hearts, and give them a great deal of Melancholy.

There are more Men and Women hang'd here (I mean in *London*) in a Year, than in *Amſterdam*, (which, tho' not ſo large in extent, yet 'tis very full of People, and has rather more for it's bigneſs than our *Metropolis*) and all the Seven *United Provinces*; not to mention what are executed in all the other Parts of *England*, which, if reduced

duced to Number, would not be found inconſiderable. Now there are as great Rogues in *Holland*, and in other Foreign Parts, as in *England*, but they puniſh them after another manner. The *Romans* had Pecuniary Puniſhments in great uſe among them; and how ſlight and trivial this may ſeem to ſome unthinking People, yet, as I take it, the Pocket is one of the moſt ſenſible Places about a Man. Fines, when not Extravagant, and Arbitrary, but (as I ſaid before) eſtabliſh'd, and known, would be paid, rather than to lie in durance. Nay, the *Dutch* Commonwealth is in great meaſure founded upon the ſame Bottom and Foot as the *Roman*: The Civil Law is in Vogue with them, and indeed with the greateſt Part of *Europe*, *England* excepted, where 'tis run down, and our Common Law advanc'd above it; t'other is cramp'd and ſnub'd, and whip'd up into a Corner, and impeded mightily in its Progreſs and Practice.

'Tis a horrid Cuſtom we have here in *England*, of Arreſting, and whipping one another away to Priſon, even when 'tis known they are Inſolvent; every Body knows Priſons pay no Debts, yet have no Mercy, no Compaſſion, no, nor Conſideration upon the Loſſes ſuſtain'd by the poor infortunate Debtor, who being in a Way, and in Buſineſs, may retrieve his Misfortunes, and honeſtly pay every Man his due; but, if he be confin'd, all means are then taken away of improving or recovering a Fortune, and uſually tends to the utter Ruine of his Perſon, Eſtate, and Family; all which might be preſerv'd if other Methods were us'd; beſides, there are more Debts loſt by theſe cruel, fooliſh, and barbarous Cuſtoms, than any other way;

more Men undone by this means, than by all other Accidents whatever; and 'tis from the Melancholick Proſpect of a Priſon; to avoid which, and extreme Poverty (the uſual Company in thoſe Places) puts Men upon flying into *Alſatia* and the *Mint*, many times before they are driven to it by abſolute Neceſſity; where they defraud all their Creditors, and live upon their Money, and at laſt ſtarve, pine away, and die.

In times paſt Witches and Wizards us'd to encreaſe the Dead-Liſt, their Executions were numerous and very common, but have declin'd ever ſince the People in general, the Judges and Juries in particular grew wiſer; the youthful (which if any have, are the likelieſt to underſtand and uſe Charms, Inchantments and Spells) and the aged went together; the Ignorance and Malice of that Age ſpar'd neither, made no diſtinction of Sex, but were afraid of being ſmutted with the *Black-Art*; although there be no ſuch thing, moſt weak and idle People being ſcar'd with Names and Notions, the common People, even to this Day, call *Aſtronomers*, *Aſtrologers*, *Chiromancers*, and *Phyſiognomiſts*, all *Conjurers*, and *Cunning Men*; when, alas, there's not one Drachm of Conjuration in the Matter; no Body wonders that the *Mobile Vulgus* ſhould be thus tainted and affected; but 'tis a little odd, to find Multitudes of both Sexes, of good Education and Converſation, of the ſame Opinion ſtill, and to think, nay, and ſometimes to call him an Atheiſt, that will not believe the Exiſtence of Witches, Conjurers, Necromancers, and ſuch like Stuff; Subjects fit for a Romance, and would go down very well in thoſe Wind-Mill Days, thoſe Times of Chivalry and Knight-Errantry, which were the drowſieſt, dulleſt, and moſt

moſt inſipid Stories in the World, unhappy in being inſtill'd into Peoples Heads while young, which renders it difficult to exterminate them, if in their Years of Maturity, Diſcretion I can't call it, for ſome, nay, many never arrive at that. The Wizard and Witch-finders had formerly a mighty Trade of it; it was ſome Intereſt ſurely they had, as well as the Command, *Thou ſhalt not ſuffer a Witch to live in the Land*, that made them ſo diligent and zealous in their Diſcoveries; I have been told of a Parſon, that, of late Years, ſeldom failed of providing half a Dozen of *Witches* or *Wizards* to welcome the Judges, and employ the Court, till his Tricks were diſcovered, and he (as he deſerv'd) expos'd with ſhame to the Publick Hatred. 'Tis unhappy to have an ill Tongue, much Miſchief is done thereby, which often returns upon themſelves. Some fanſie the Clergy keep up the Opinion of *Witches*, to amuſe the People, and to retain them in the Dark, the better to put of their bad Wares: Some ſay 'tis their Intereſt to do thus: But be it ſo or not, I ſhall not enter into the Controverſie at this time, but I am very glad we have not ſo many of that ſort of poor *Witches* as formerly; or, at leaſt, that we don't hang them up ſo faſt as we us'd to do, and make *Witches* where we found none, which deſtroy'd abundance of People; which was very detrimental to the Commonwealth, who ſuffer'd very much in the loſs of the young, tho' not of the old Men and Women, eſpecially of the laſt, who are then very little regarded, by being thought uſeleſs and unprofitable, tho' the Men are not, who, if they had Employment, might have Iſſue even in the laſt Stage of their Lives, eſpecially if the youthful ſlew not ſo faſt from their cold Embraces, too near an ap-

proach to, and reſemblance of Death; the thought of whom, chills the warmeſt Blood, and baulks, for a ſhort ſeaſon, the choiceſt Pleaſures of the moſt Gay and Airy.

Sodomy is ſeldom talk'd of, and, I hope, not practis'd in our chaſte Northern-Clime; 'tis abominable almoſt to name it, ſo we ſhall dwell no longer upon the Subject, but banniſh it to *Italy*, *Turkey*, and thoſe Sunburnt Regions. This Crime fills not the Black-Warrant, and that which follows not much more.

Rapes are rare, and ſeldom affect the Life of the proſecuted, becauſe, for the moſt part, 'tis Trick and Management, deſign to get a ſmall Spill out of the timerous and eaſie; beſides, the Courts of Judicature are very tender on that ſide, it being by moſt Men thought difficult to execute, if the Party be obſtinate; and, if not, 'tis no Rape; beſides, the Sex are more melting and obliging than formerly, are eaſier won, and prevail'd upon to receive the Attack, and ſeldom venture ſo far, or hold out ſo long to hazard a Storm.

Baſtards and their unhappy Parents come in too often for a ſhare in this Mortal Bill of Fare; which might be eaſily prevented, by appointing an Hoſpital at the Publick Charge, as in Foreign Parts, to receive the poor innocent Babes, and to make good Proviſion for them, who will ſoon pay the Expenſe of their Education, by their Services, being in Value far above the Charge, and of great Advantage to the Commonwealth; an Army of ſuch would beat the whole World, eſpecially, if it be true, That they are made with more Heat and Vigour, with more Life and Fire, and of better Metal than

than the lawful (as they call 'm, for diſtinction, tho' Nature knows no ſuch difference) Iſſue. Beſides, *Monſieur*, the preſent *French* King, takes mighty Care of that whole Race, and does 'em the Honour and the Grace to call them *the Children of France*, and ſometimes *the King's Children*: By this Means they have no Murders, nor Executions of this kind; no Embryo's deſtroy'd to ſave the Reputation of the Liquoriſh. Common Harlotry is (as I touch'd before) very injurious to the State; Bigamy, Polygamy, or Any Gamy is better than that; but we are ſo Nice and Puritanical in ſome things, and ſo Large and Latitudinarian in others, that ſuch Doctrine muſt be damn'd to Eternal Shades. Oh! 'twon't go down with tender Conſciences, tho' I am of Opinion they have neither tender nor tough; I am ſure in other things they have not; but I am loth to make old Wounds bleed a-new. And ſo much for that Paragraph, which is ſhortn'd to prevent Offence; ſo loth I am to diſoblige any Party, that, as I told you in my *Preface*, I would have no Party at all, but all pure Love and Friendſhip.

And for the Clippers, Coiners, Counterfeiters, Falſe-Money Makers, Stampers, Melters, Exchangers of Broad for Narrow, of Good for Bad, Wholeſale Men and Retaylers, with the whole Neſt; nay, rather, Army of Rogues and Jades, that have ſpoil'd almoſt all our Money, and render'd it uncurrent, difficult and very troubleſome to lay out, or pay away, ſingle or in Summs, that indeed 'tis ſo great an Unhappineſs, and ill Accident in our State, and at this very Juncture, and Criſis, I mean the War, that even the Taxes themſelves are not ſo Burdenſome: And all this is occaſion'd by an univerſal

universal Defect and Negligence, in permitting Crop'd Money to pass at first, and in only hanging the Offender, when caught, and fairly convicted by Proof undeniable; which reach'd but few of that vast Corporation, who have not in the least been deterr'd from these foul and pernicious Practices against the State; nor is it to be expected they are ever to be scar'd and baulk'd by Dangling, and tho' great Numbers of them (which as I hinted before weakens the Community) have of late Years danc'd that way, and been tied up from their Meat, and died in their Shooes, yet no abatement of their Villanies; for now although the greatest part of the old Coin (for the new is all vanish'd, has disappear'd for a long time) is pair'd very close, for they have gone over and over again with it, they are fallen to stamp Money that resembles the old very well, but, alas! is not worth two Pence half-peny the Shilling, of which they make great plenty, especially now, and ever since the Half-Crowns were impeded in their passing; nay, such is their Condescension, that they vouchsafe to make us new Six-pences, to assist us the easier in our Exchange; and for the old crack'd Pieces which occasion'd a Provision in an Act of Parliament, they are rounded very handsomly, and made so small that they are not of Two-pence value. Now if these sort of Vermin, after a fair and legal Conviction, were doom'd to One and twenty Years Imprisonment and hard Labour, they would be damnably put to it: One Example of this kind would terrifie them more than the Hanging of a Hundred, which is forgot as soon as the Story is told, or read in the Publick Account: This would be always fresh in their view, and strike 'em to the Heart: What? an eternal Prisoner! (for so 'twould happen

happen to ſome, who would die there,) and a kind of Slave too! Oh good God! ſay they, I'll have a Care of my Carkaſs, and my ſweet Liberty: How miſerable 'twill be to work daily? to live and die within the Grates: Thoſe Iron-Barrs would frighten them more than they do, if they were to be longer in their ſight: But they are in a Seſſions now, about a Month, and ſometimes come off, then with Joy they return to the old Game; I my ſelf have been upon a *Grand-Jury* when there were Eight and twenty of theſe Varlets Indicted, and we found the Bills againſt Six and twenty; and of all theſe there was but one (as I was afterwards inform'd by the Judge) executed; beſides, when 'tis their Deſtiny to die, they take it pretty patiently, they die hard, as 'tis now call'd; that is, Obſtinate and Impenitent, and comfort themſelves before-hand with the Thoughts of the termination of all their Griefs and Sorrows; and, beſides, they have imbib'd this Doctrine, That 'tis no Sin againſt Heaven, but only againſt Humane Laws, which they expiate by paying their Lives: Surely the Parſons don't take ſo much Pains with theſe People as they ſhould.

And now to conclude, for I think 'tis high time, I am not for thoſe Sanguinary Laws, in uſe in *Germany*, *Poland*, *Moſcovy*, and thoſe colder Regions, where they hang a poor Rogue for ſtealing the value of a Halter, or a Gooſe, or ſuch trivial and worthleſs things; they are very ſharp and ſevere in their Executions, which has not the wiſh'd Effect: Tho' this may ſeem more neceſſary in ſome of thoſe Countries, which are often the Seats of War, and are always (even in Peaceful Times) cramm'd with Soldiers, an unruly and ungovernable

vernable ſort of Gentlemen, and indeed, without a ſtrict and tight Diſcipline, little better than a Mob; the Burghers or Citizens, nay, the Boors or Countrymen, could not enjoy their own, nor ſupply the Markets, or carry on their Trades; for the *Martialiſts* are Liquoriſh Folks, and love good things, but don't care to Labour for them, 'tis ſomething beneath the Style and Character they bear, being at their firſt Enliſting dubb'd Gentlemen, which they retain to the laſt Moment of their Lives: An honourable Bait to catch the Credulous and the Weak!

The *French* are hard-hearted and cruel, very rigid in their Executions; for Murder, Robbery, or Theft, the Wheel, the Gallies, crop their Noſes, and ſlice their Cheeks: Theirs is a Country of Soldiers too, and under ſome kind of Neceſſity of ſevere Diſcipline and exemplary Puniſhment; for, in the loweſt reform in Peace, there is maintain'd and kept on foot Ninety thouſand Men, for the Land-Service only: And this muſt be confeſs'd, they are under the beſt Diſcipline in the World; they are mightily to be commended for it. The *French*, like the *Engliſh*, don't value common Hanging; I have ſeen a *Valet* dance upon the Scaffold, juſt before the Hempen Ribband was put on, ſo little they value that hard courſe Neck-cloth, tho' 'tis tied ſo hard it choaks 'em; but, ſince that breaking their Bones by degrees, and then giving the fatal Blow, with a ponderous Piece of Iron, Robberies and Murders are not ſo common and cuſtomary, they have been ſuppreſt in this Reign; as has Tilting, which us'd to be upon every ſlight and trivial Occaſion, out come *Toledo*, or *Bilboa*, almoſt without any Provocation.

However,

However, upon the whole Matter, I am clearly for the mild and gentle Laws and Government we live under, with excluſion to all other; nay, even I think it Severity and Cruelty to confiſcate the Eſtate, tho' in Crimes of *Læſæ Majeſtatis*, ſo to ſtarve the Wife and Children, and ruine the whole Family of Innocents; not ſo much as knowing, and, to be ſure, not at all concern'd in their infortunate Husband and Father's Follies and Miſcarriages. Lenity and Clemency have preſerv'd many a Prince; whereas the contrary has deſtroy'd many a one, and involv'd their Kingdoms in Blood: Mercy is one of the chief Attributes of the Deity, and when Sovereigns are ſo, they imitate at leaſt, if not come near to a God. 'Tis Natural and Humane to preſerve rather than deſtroy; and therefore I ſhall end with this, That if my kind Tender of my Services to my Country were reduc'd into Practice, not One in Ten would be hang'd that are; which would be much to our Honour, Advantage, and Intereſt.

10

APPENDIX.

TO this may be added, by way of Supplement, The great Shame, Scandal and Detriment that falls on the Commonwealth, by tolerating ſuch vaſt Numbers of Beggars, Bees without Honey, tho' not without Sting; mere Drones, Vagabonds, lazy, loitering and idle People, that live upon the Alms of others, with the Aſſiſtance of Pilfring and Stealing; many of which *Mendicants* have and do arrive at prodigious Eſtates, hardly to be believ'd, but by fair Diſcoveries known to be certainly ſo; others Conſiderable, all competent Living and Maintenance; and this without one ſtroke of Work, or one drop of Sweat, wandring from Morning till Night, from Street to Street, laying out the whole City in proper Diſtricts and Diviſions; and what is really very marvellous, and yet moſt demonſtratively true, of this huge and vaſt Army of Beggars here and throughout the whole Kingdom, Blind, Lame, pretenders to, and feigners of both, Infirm, Diſabled, Aged, Subtil and Crafty Knaves, who, for the ſake of their gainful Profeſſion, and to cully in Charity, have an Art, by applying a certain Herb, to any ſound Part of their Legs or Arms, in twenty four Hours, will draw ſo prodigiouſly, to make it look like an old Sore, tho' without any Pain: I ſay, of this great

great Army, not one dies with Hunger, or mere downright Want, no not in the hardeſt, difficulteſt, and moſt tedious Winters; they live well, and ſolace themſelves at their return in the Evening, with good Victuals and ſtrong Liquors: Theſe Varlets and Vermin (for they are no better) might be put under a good Regulation, and made of vaſt Uſe and Advantage to the Publick; the Profits of whoſe Labour, might be there lodged, to bear heavy Expences, and attend on Emergencies; but all Endeavours will prove vain, and want Succeſs, unleſs this Treatiſe ſhould rouſe up ſome Noble, Gallant and Publick Spirit among us, (and to ſuppoſe that we want ſuch, would be an Affront upon the whole Nation) abſtracted from the Earthy and Droſſie Part, I mean Self-Intereſt, the common Poiſon, and univerſal Bane of good and great Enterprizes: However, there are rich Men enough who would liſten to this Offer; becauſe, if a Scheme like this were form'd, it would turn to their Advantage, they would depoſit a round Summ, to advance ſuch an Honourable and Profitable Undertaking, which in few Years (if well manag'd) would produce great Gain to the Corporation, even beyond what ſome Traders get, and this without any Hazard, Riſque, or Adventure; nay, if none of this would go down, if theſe Vagrant *Mendicants* were but impriſon'd for a limited time, and put to bodily Labour, and thin Diet, as often as they are caught upon the March, they would be ſo ſick of that kind of Treatment, and ſo very deſirous of their Liberty again, that they would ſoon abandon that ſcandalous Life, and ſeek out ſome honeſt Method of Maintenance. And indeed the Priſons, of all kinds, throughout the whole Kingdom, ought to be regulated, their

Fees

Fees and Profits eſtabliſh'd, no Extortion or hard Uſage ſhould be tolerated there, 'tis Misfortune enough to be lock'd up within thoſe Walls, they need not have their Afflictions made more intolerable.

Theſe Vagabonds would ſoon fly to ſome of the vile Employments ſo neceſſary to a State, and ſo well known, they need not be nam'd; all can't, tho' they would, be Rich; 'tis pleaſant to Command, and as irkſome to Obey: Eaſe and Idleneſs are more agreeable to Nature than Labour and Toil; 'tis much againſt the Grain and Humour to Work, and nothing but Neceſſity could oblige any to it.

There need be no Beggary, or Poverty, (at leaſt not extream) throughout this noble and renown'd *Britiſh* Iſle; there are fewer (to our ſhame be it ſpoken) of theſe State-Maladies amongſt our Neighbours than here: The former *Gallican* Perſecution, and the preſent War, has produc'd ſome (few) Beggars in the *United Provinces*; before which not a *Mendicant* was to be ſeen; which was altogether due to the happy Conduct of their Civil Government.

BRITISH MUSEUM 28 OCT 04

FINIS.